

### REMARKS

By this paper, claims 1, 3, 32, 36 and 37 have been amended. Claims 1-5 and 24-40 remain pending.

In the outstanding November 3, 2006 Office action, claim 29 was rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. In so rejecting the claim, the Examiner stated that the "limitation of claim 29 that the radiopaque marker further comprises a coating is not supported by the original specification." It is respectfully submitted, however, that the specification does indeed support the subject matter recited in claim 29 in paragraph [00042]. In particular, the specification states that "One method of manufacturing the above-described guidewires is through extrusion coating. Specifically, the radiopaque polymer is extrusion coated over a PTFE mandrel." Accordingly, it is believed that the specification clearly states that the radiopaque marker can comprise a coating. Therefore, it is believed that claim 29 satisfies the requirements of § 112, first paragraph.

Moreover, in the November 2006 Office action, claims 3, 28, 29, 36, 37, 39 and 40 were rejected under 35 U.S.C. § 112, second paragraph for indefiniteness. In response to the rejection of claim 3, the term "Pebax" was removed from the claim and replaced by the phrase "polyamide copolymers." Moreover, claims 36 and 37 have been amended by deleting the term "wetting" to thereby traverse the § 112, second paragraph rejection of those claims. With regard to the § 112, second paragraph rejections of claims 28, 29, 39 and 40, the Applicants again respectfully direct the Examiner's attention to paragraph [00042] of the present application which clearly describes the radiopaque marker being in form of a coating. Accordingly, it is respectfully submitted that each of claims 28, 29, 39 and 40 also satisfy the requirements of § 112, second paragraph.

Additionally, in the outstanding Office action, claims 1-4, 24-26, 28, 30-37, 39 and 40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Elliott (2003/0164063) and

claims 5, 27 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Elliott reference. In response thereto, independent claims 1 and 32 have been amended to recite a radiopaque marker for a medical device comprising a marker having a length, thickness and cross-sectional size selected for attachment to the medical device to thereby provide desired radiopacity without substantially affecting flexibility of the medical device. Accordingly, each of independent claims 1 and 32 recite structure (length, thickness, cross-sectional size) of the radiopaque marker, subject matter which is not taught or contemplated by the cited Elliott reference. Significantly, the Elliott reference is not concerned with radiopacity or for that matter, providing a medical device with a marker sized for attachment thereto to thereby provide radiopacity. Thus, it is respectfully submitted that the Elliott reference does not teach each and every limitation set forth in independent claims 1 and 32 and their respective dependent claims. As such, it is believed that each of pending claims 1-5 and 24-40 are allowable over the cited art.

### CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LLP

By: /John V. Hanley/  
John V. Hanley  
Registration No. 38,171

JVH:kst  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
154545.1